

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>In re Application of:</b>	<b>Ferrera et al</b>
<b>Application No.:</b>	<b>Not Assigned</b>
<b>Filed:</b>	<b>Not Assigned</b>
<b>For:</b>	<b>DILATION CATHETER BALLOON MADE FROM PEN BASED HOMOPOLYMER OR RANDOM COPOLYMER</b>
<b>Examiner:</b>	<b>Not Assigned</b>
<b>Group Art Unit:</b>	<b>Not Assigned</b>

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Docket No.: S63.2N-6259-US03**

## INFORMATION DISCLOSURE STATEMENT

Listed below or on an attached form listing the cited references and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed publication, U.S. patent, foreign patent and U.S. patent application is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, *except that* U.S. applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If the form listing the cited references or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

Applications that are listed on the accompanying form listing the cited references as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the form listing the cited references and/or 892 forms from these cases.

  X   I. This statement qualifies as a no-fee Information Disclosure Statement under 37 C.F.R. §1.97(b) or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- X   (1) within 3 months of the filing date of the application (other than a CPA); or
- (2) within 3 months of entry of the national stage; or
- (3) before the mailing of a first Office Action on the merits;
- (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- (5) as part of a continued prosecution application (CPA); or
- (6) during the period of a suspension of action for a CPA under 37 C.F.R. §1.103(b).

      II. This statement is believed to require a fee or the submission of a certification under 37 C.F.R. §1.97 (c) or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

- (1) a certification as specified in §1.97(e) is provided below; or
- (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

**III. 37 C.F.R. §1.97(d).** If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

- (1) a certification as specified in §1.97(e) is completed below; and  
       (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

  **X**   **IV. Fee Authorization.** If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

***If paragraph II.1 or III is checked, also check one of the paragraphs below***

       I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

       I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

***For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.***

If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise.

Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: June \_\_\_\_, 2003

By: \_\_\_\_\_

Walter J. Steinkraus  
Registration No.: 29592

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<b>FORM PTO-1449 (Modified)</b> <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b> (Use several sheets if necessary)				<b>ATTY DOCKET NO:</b> S63.2-6259-US03		<b>Serial No.:</b> Not Assigned	
<b>APPLICANT:</b> David A. Ferrera et al				<b>FILING DATE:</b> Not Assigned		<b>Group:</b> Not Assigned	

  

REFERENCE DESIGNATION				U.S. PATENT DOCUMENTS			
EXAM'S INIT.		PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5195969	3/23/93	Wang et al	604	96	
	AB	5330428	7/19/94	Wang	604	96	
	AC	4154244	5/15/79	Becker	128	349	
	AD	5556383	9/17/96	Wang et al	604	96	
	AE	5270086	12/14/93	Hamlin	428	35.2	
	AF	RE 32,983	7/11/89	Levy	428	36.92	
	AG	4963313	10/16/90	Noddin et al.	264	573	
	AH	5290306	3/1/94	Trotta et al	606	194	
	AI	5512051	4/30/96	Wang et al	604	96	
	AJ	5264260	11/23/93	Saab	428	35.5	
	AK	RE 33,561	3/26/91	Levy	428	36.92	

  

FOREIGN PATENT DOCUMENT OR PUBLISHED FOREIGN PATENT APPLICATION							
		DOCUMENT NUMBER	PUBLICA TION DATE	COUNTRY OF PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION
							YES      NO
	BA	96/04951	2/22/96	WO	A61M	25/00	<input type="checkbox"/> <input checked="" type="checkbox"/>
	BB	95/22367	8/24/95	WO	A61M	25/00	<input type="checkbox"/> <input checked="" type="checkbox"/>
	BC	0457456	11/21/91	EP	A61M	25/00	<input type="checkbox"/> <input checked="" type="checkbox"/>
	BD	92/19440	11/12/92	WO	B29C	49/00	<input type="checkbox"/> <input checked="" type="checkbox"/>
	BE	0745395	4/12/96	EP	A61L	29/00	<input type="checkbox"/> <input checked="" type="checkbox"/>

  

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)		
	CA	Amoco product literature on PEN materials, pp. 3-5. Date unknown.
	CB	M. Cakmak et al., Processing Characteristics, Structure Development, and Properties of Uni and Biaxially Stretched Poly(Ethylene 2,6 Naphthalene) PEN Films, <i>Polymer Engineering and Science</i> , vol. 30, no. 12, pp. 721-733, 1990.
	CC	Teijin Polyethylene Naphthalate Resin Technical Information. Predates 9/14/95.

  

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
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EXAMINER: Initial citation considered. Draw line through citation if not in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>FORM PTO-1449 (Modified)</b> <b>LIST OF PATENTS AND PUBLICATIONS</b> <b>FOR APPLICANT'S</b> <b>INFORMATION DISCLOSURE STATEMENT</b> (Use several sheets if necessary)				<b>ATTY DOCKET NO.:</b> S63.2-6259-US03		<b>SERIAL NO.:</b> Not Assigned	
<b>APPLICANT:</b> DAVID A. FERRERA ET AL				<b>FILING DATE:</b> Not Assigned		<b>GROUP:</b> Not Assigned	

  

REFERENCE DESIGNATION		U.S. PATENT DOCUMENTS					
EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						

  

FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	BA	0 747 070	12/11/96	EP			X	
	BB	O 768 097	4/16/97	EP			X	
	BC	96/00752	1/11/96	WO			X	
	BD							
	BE							

  

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)		
	CA	JAPANESE ABSTRACT, APPLN NO. 03174200, FILED 7/15/91
	CB	JAPANESE ABSTRACT, APPLN NO. 05088654, FILED 4/15/93
	CC	

  

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

FORM PTO-1449 (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)				ATTY DOCKET NO.: S63.2-6259-US03		SERIAL NO.: Not Assigned	
				APPLICANT: David A. Ferrera et al			
				FILING DATE: Not Assigned		GROUP: Not Assigned	
REFERENCE DESIGNATION U.S. PATENT DOCUMENTS							
EXAM'S INIT.		PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5223205	6/29/93	Jackowski et al.	264	521	
	AB	4820349	4/11/89	Saab	128	344	
	AC	5492741	2/20/96	Akao et al.	428	35.2	
	AD	5348538	9/20/94	Wang et al.	604	96	
	AE	5403340	4/4/95	Wang et al.	606	194	
	AF	5449820	9/12/95	Fukui et al.	562	486	
	AG	5189140	2/23/93	Nakane et al.	528	272	
	AH	5,587,125	12/24/96	Roychowdhury	264	515	
	AI	5500181	3/19/96	Wang et al.	264	532	
	AJ	5330428	7/19/94	Wang et al.	604	96	
FOREIGN PATENT DOCUMENT OR PUBLISHED FOREIGN PATENT APPLICATION							
		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OF PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION YES NO
	BA						
	BB						
	BC						
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
	CA	D. Callander and E. Sisson, High Performance PEN & Naphthalate Based Packaging Resins, Shell Chemical Co., April 1994.					
	CB	D2857-70 Standard Method of Test for Dilute-Solution Viscosity of Polymers, 1970 Annual Book of ASTM Standards, Part 27, Plastics-General Method of Testing, Nomenclature, pp. 713-718.					
	CC						
	CD						
	CE						
EXAMINER				DATE CONSIDERED			
<small>EXAMINER: Initial citation considered. Draw line through citation if not in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</small>							

# Notice of References Cited

Application No.

Applicant(s)

Not Assigned

Ferrera et al.

Examiner

Group Art Unit

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## U.S. PATENT DOCUMENTS

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	5,871,468	2/1999	Kramer et al.	604	96
B					
C					
D					
E					
F					
G					
H					
I					
J					
K					
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M					

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N	JP 5-15603	1/1993	Japan	Hisayuki et al.	----	----
O						
P						
Q						
R						
S						
T						

## NON-PATENT DOCUMENTS

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
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V		
W		
X		



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Application No.

Applicant(s)

Not Assigned

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Examiner

Group Art Unit

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**U.S. PATENT DOCUMENTS**

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	5,807,327	9/15/98	Green et al.	604	96
B					
C					
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**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
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**NON-PATENT DOCUMENTS**

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
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<b>FORM PTO-1449 (Modified)</b> <b>LIST OF PATENTS AND PUBLICATIONS</b> <b>FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b> (Use several sheets if necessary)		ATTY DOCKET NO.: S63.2- 6259-US03		APPLICATION NO.: <del>Not Assigned</del>	
		APPLICANT: David A. Ferrera et al.			
		FILING DATE: Not Assigned		GROUP: NA	

  

REFERENCE DESIGNATION			U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS			
EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5879369	3/9/99	Ishida	606/194	
	AB	6242063	6/5/01	Ferrera et al.	428/35.2	
	AC	5554120	9/10/96	Chen	604/96	
	AD	5304340	4/19/94	Downey	264/521	
	AE	6004289	12/21/99	Saab	604/96	
	AF	6013728	1/11/00	Chen et al.	525/92	
	AG	5871468	2/16/99	Kramer et al.	604/96	
	AH	6013055	1/11/00	Bampos et al.	604/27	
	AI	6325780	12/4/01	Schaible et al.	604/103.06	
	AL	6358227	3/19/02	Ferrera et al.	604/103.06	

  

FOREIGN PATENT DOCUMENTS				
		DOCUMENT NUMBER	DATE	COUNTRY
	BA			

  

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)			
	CA		JP abstract of patent number 2509016; publication number 05-15603.
	CB		JP abstract of patent number 2975803; publication number 06/296693.

  

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